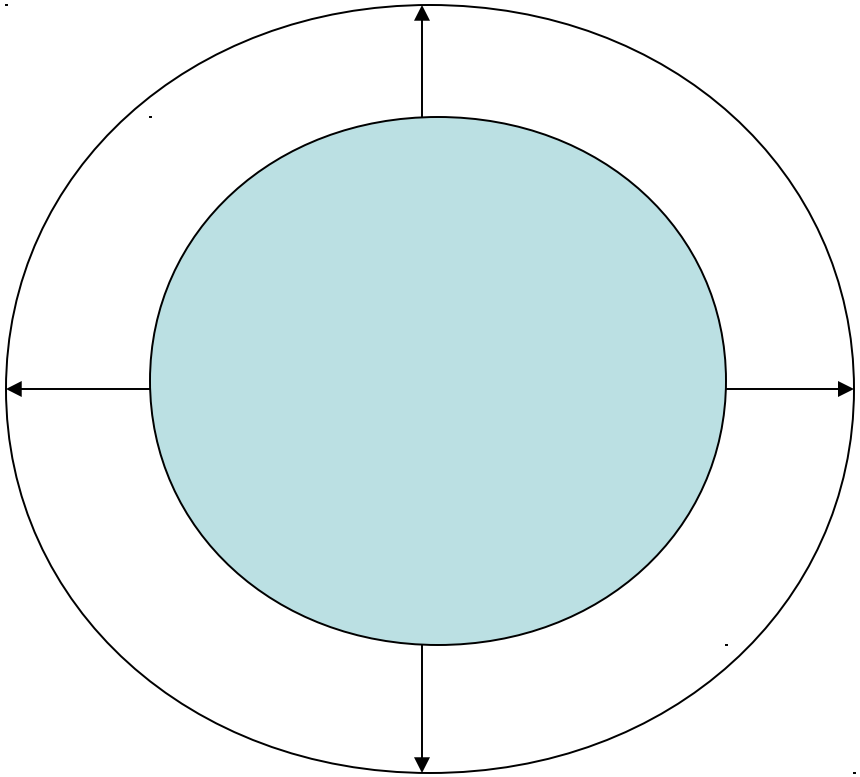
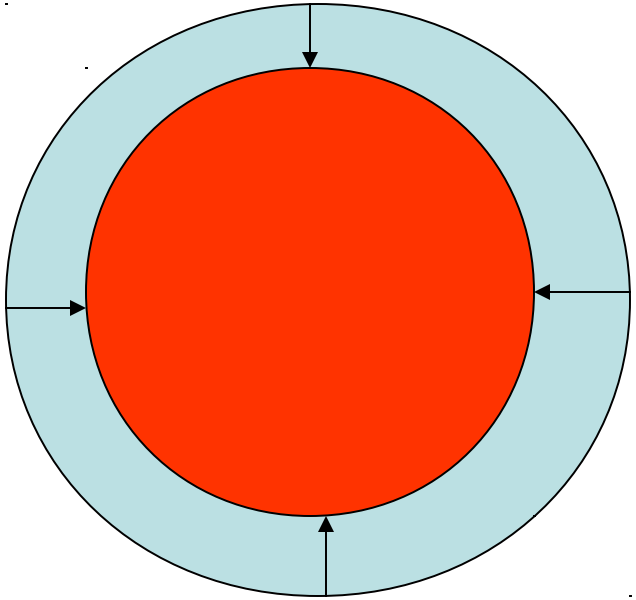
Negotiating Arenas: Benefits - Interests



Increasing the Pie
Benefits Created



Mitigating against
Decreasing Pie

Role of IWRM?

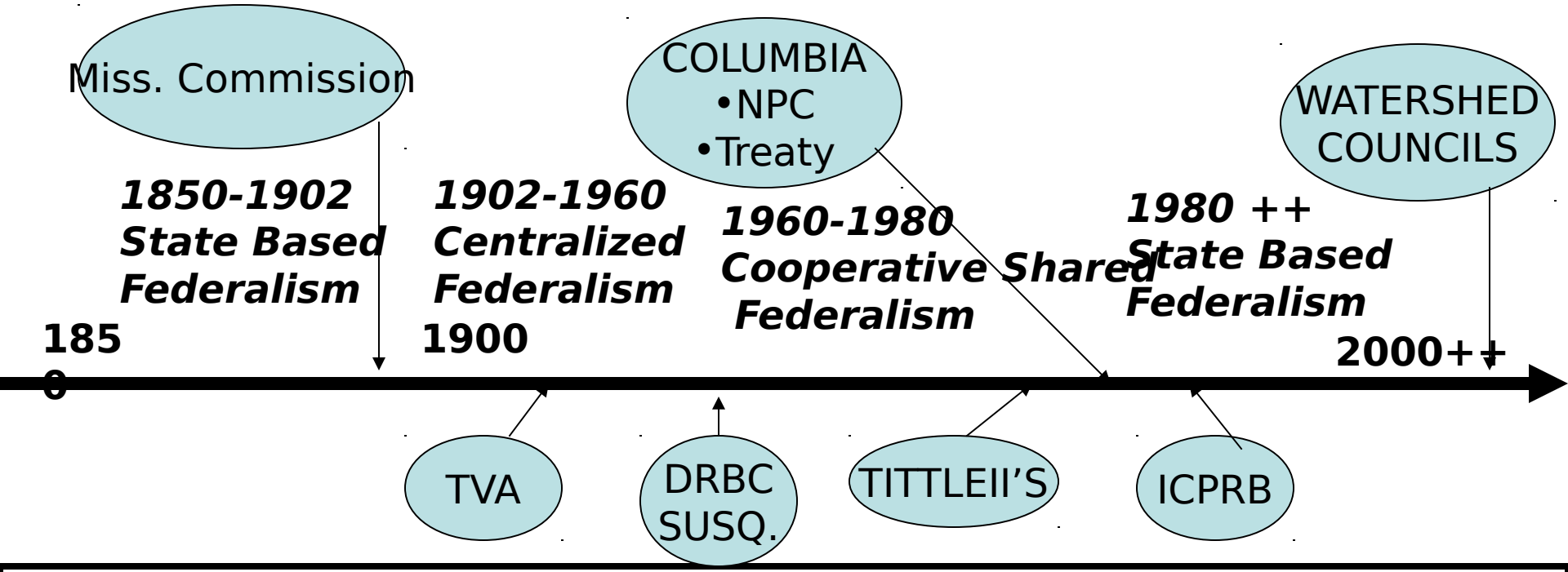
U.S. - North American Experiences with RBOs

Some succeeded
Some failed
All are different

3 Types of RBO Coordinating Mechanism

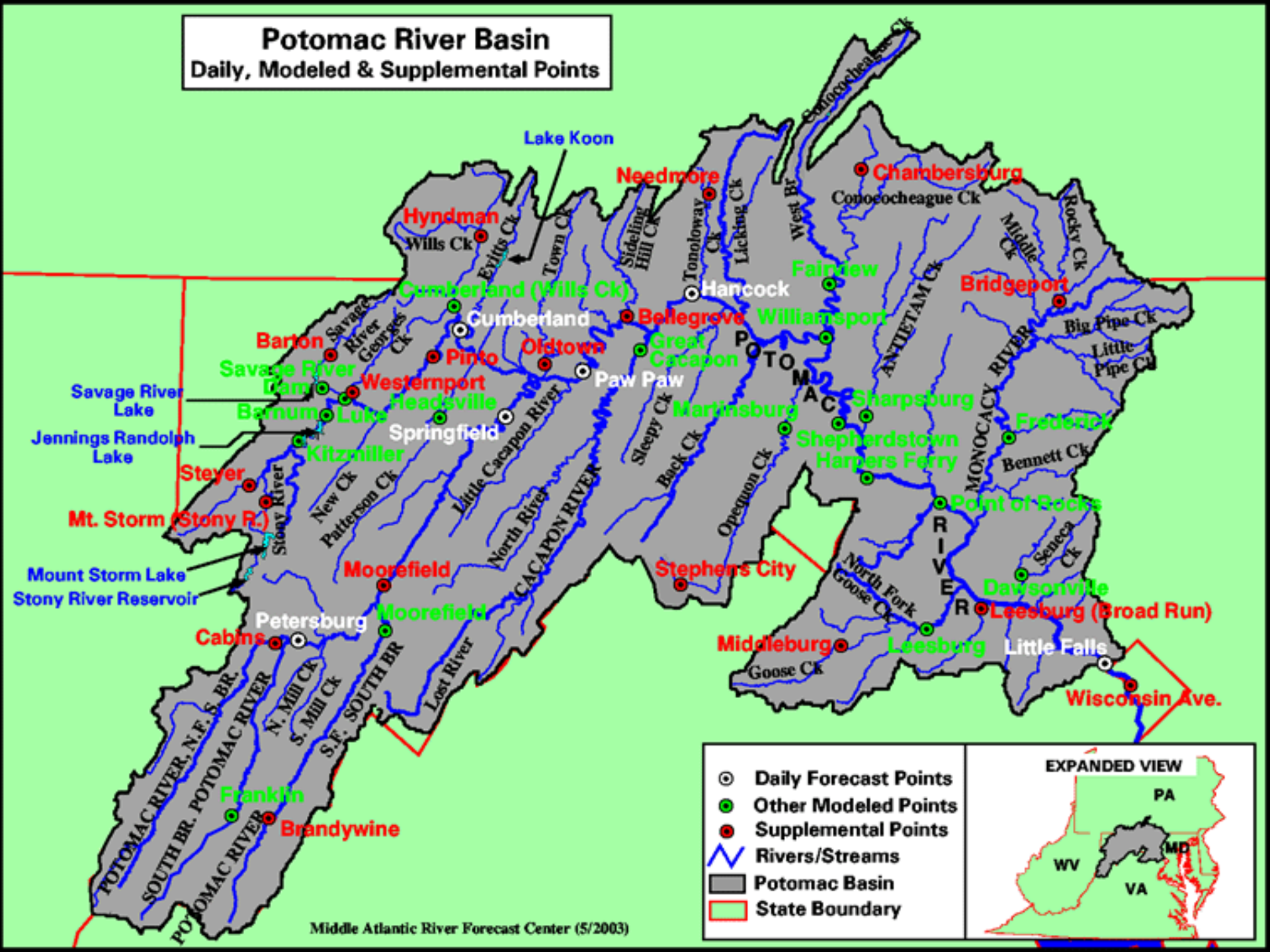
1. **Interstate Compact Commissions**
   (Potomac)
2. **Interstate Councils**
3. **Basin Interagency Committees (Ad hoc)**
4. **Interagency - Interstate Commissions**
   (Tittle II)
5. **Federal - Interstate Compact Commissions**
   (DRBC/SRBC)
5. **Federal - Regional Agencies**
   (TVA)

RBO's and Periods of U.S. Federalism



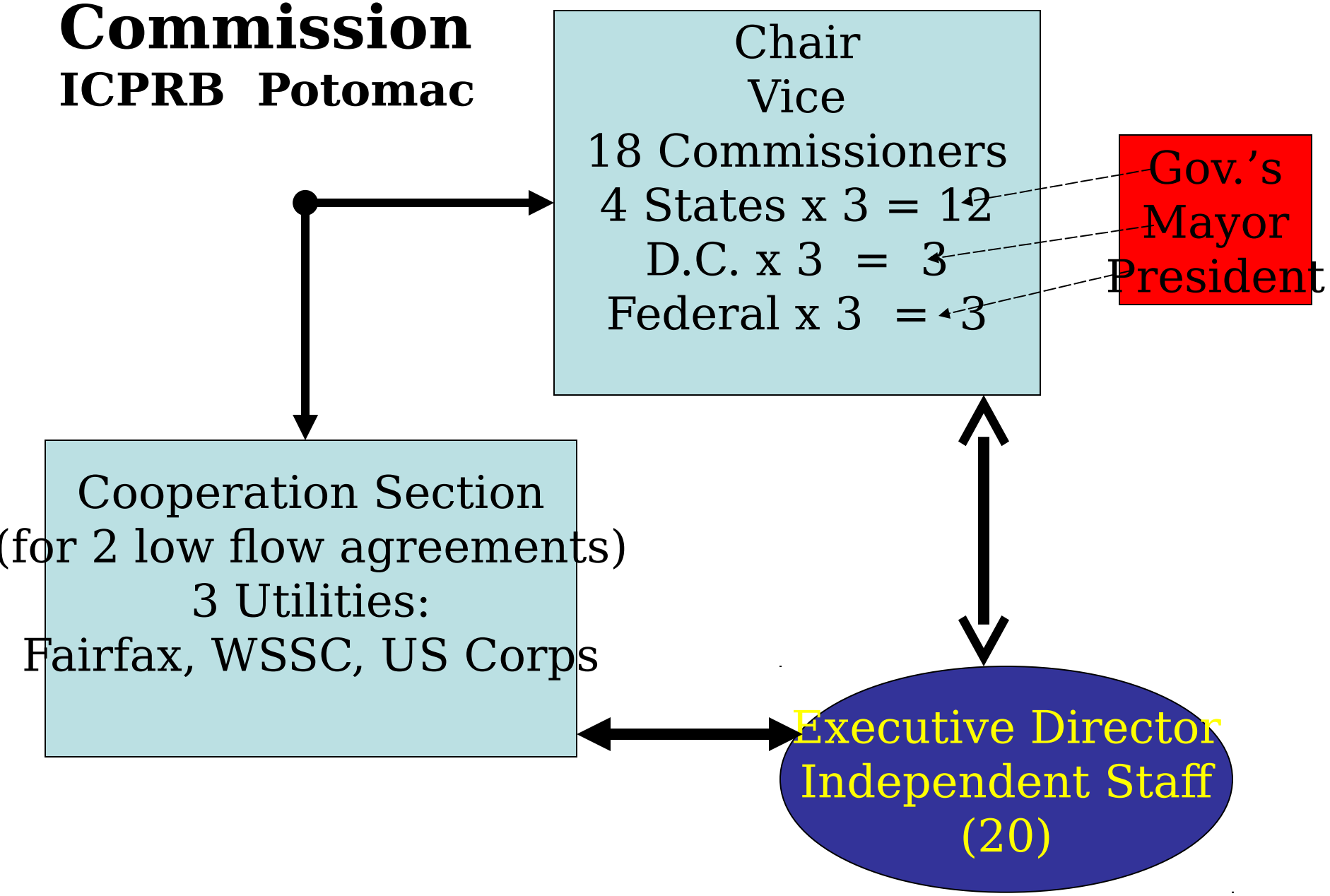
River Basin Organizations/Water are at Nexus of Federal–State Sovereignty Authority
That Relationship is Political; Fluid; changing in the U.S; sets context for Water Policy

Each Relationship implies:
- Different views of Subsidiaries
- Different types of cost sharing among States and Federal for water infrastructures investments financing
- Different means for expressing Federal Interest in water investment:


Potomac River Basin
Daily, Modeled & Supplemental Points
Lake Koon
Needmore
Chambersburg
Conococheague Ck
Hyndman
Wills Ck
Evitts Ck
Town Ck
Sideling Hill Ck
Tonoloway Ck
Licking Ck
West Br
Middle Ck
Rocky Ck
Fairview
Hancock
Bridgeport
Cumberland (Wills Ck)
Cumberland
Bellegrove
Williamsport
ANTIETAM Ck
Big Pipe Ck
Little Pipe Ck
Barton
Savage River
Georges Ck
Pinto
Oldtown
Great Cacapon
POTOMAC
MONOCACY RIVER
Savage River Dam
Westernport
Paw Paw
Savage River Lake
Barnum
Luke
Headsville
Springfield
Martinsburg
Sharpsburg
Frederick
Jennings Randolph Lake
Kitzmiller
Shepherdstown
Harpers Ferry
Bennett Ck
Steyer
Stony River
New Ck
Patterson Ck
Little Cacapon River
North River
CACAPON RIVER
Sleepy Ck
Back Ck
Opequon Ck
Point of Rocks
Mt. Storm (Stony R.)
Mount Storm Lake
Stony River Reservoir
Moorefield
Stephens City
RIVER
Seneca Ck
North Fork Goose Ck
Dawsonville
Leesburg (Broad Run)
Petersburg
Moorefield
Cabins
Middleburg
Leesburg
Little Falls
Goose Ck
Wisconsin Ave.
POTOMAC RIVER, N.F.S. BR.
SOUTH BR. POTOMAC RIVER
N. Mill Ck
S. Mill Ck
S.F. SOUTH BR
Lost River
Franklin
Brandywine
POTOMAC RIVER
Daily Forecast Points
Other Modeled Points
Supplemental Points
Rivers/Streams
Potomac Basin
State Boundary
EXPANDED VIEW
PA
WV
MD
VA
Middle Atlantic River Forecast Center (5/2003)

1. Interstate Compact Commission

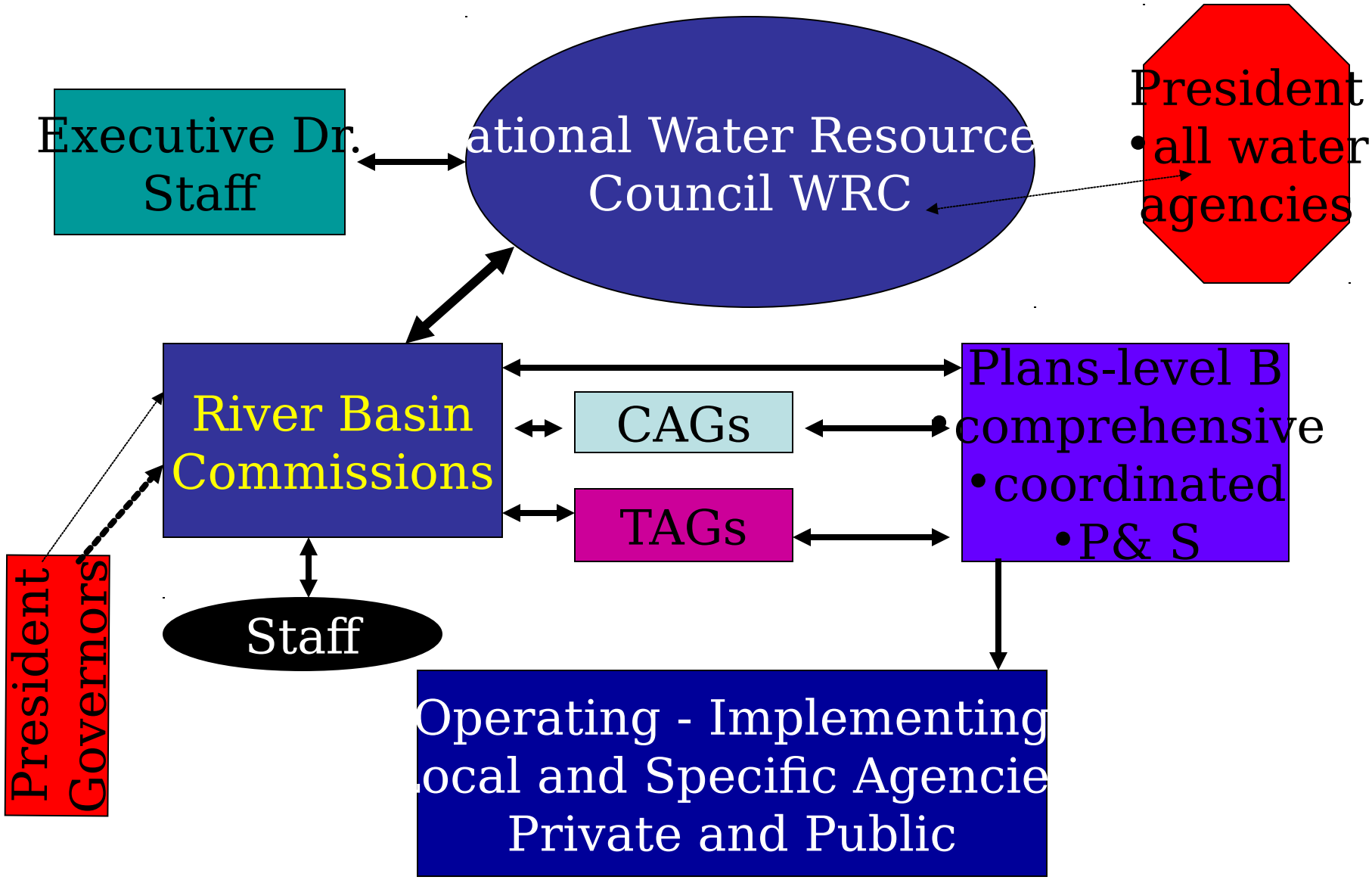
ICPRB Potomac



Interstate Compact Commission Interstate Commission for the Potomac (ICPRB)

- Driven by drought contingency planning
- Little formal power – low flow agreement – data gathering – joint interactive stakeholder modeling
- But high influence and growing!
- 16 dams originally planned – actual 1 large and 1 minor dam
- Best use of non structural approaches of any basin
- System yield up by 50% - satisfying in stream needs and quality vs. 45% with dams

4. Interagency - Interstate Commission Tittle I (No longer exists)



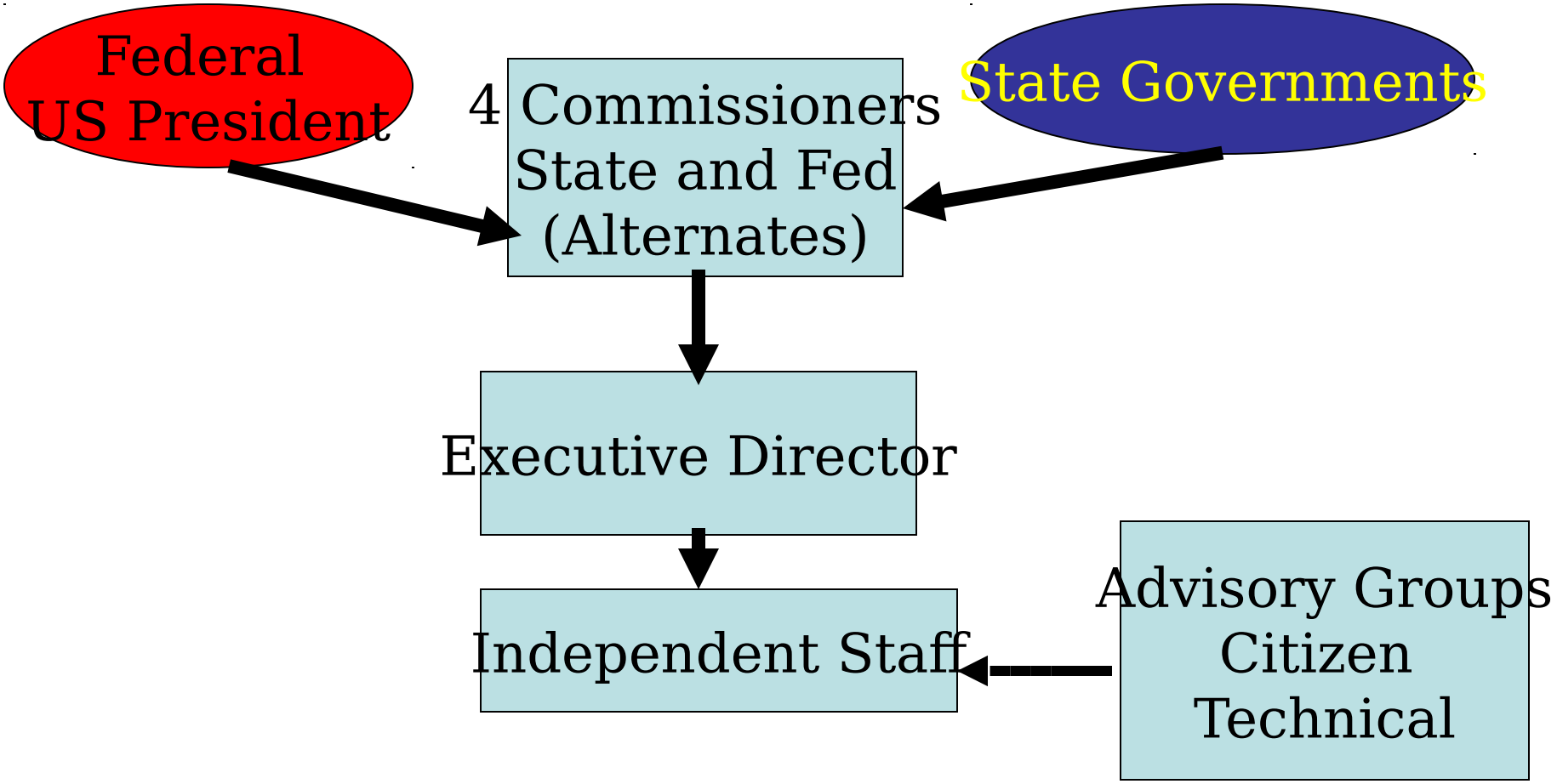
Interagency – Interstate Commissions Title II's

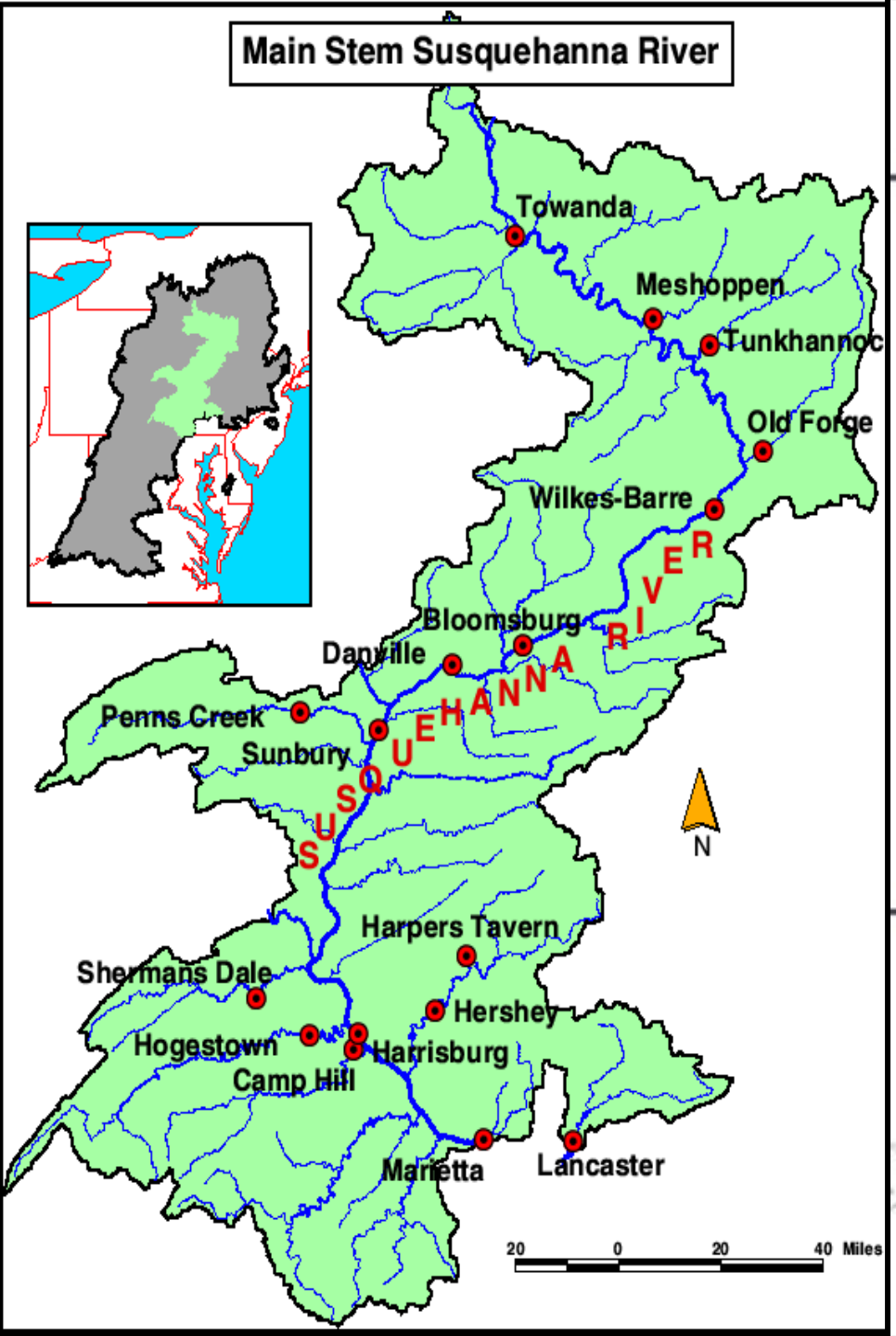
- Long Process 1940s – 50s – 60s – 70s
- To improve coordination through joint plan to guide Federal and other investments in water
- Water Resources Council at National level
- River Basin Commissions in country
- P&S (G) – analytical guidelines for water planning and national accounting
- Structure stopped in 1980 – no coordinating device today except budget process
  - 1970s focus to EQ grants and water quality

5. Federal Interstate Compact Commission

DRBC - Delaware

SRBC - Susquehanna




Main Stem Susquehanna River
Towanda
Meshoppen
Tunkhannoc
Old Forge
Wilkes-Barre
Bloomsburg
Danville
Penns Creek
Sunbury
SUSQUEHANNA RIVER
N
Harpers Tavern
Shermans Dale
Hershey
Hogestown
Harrisburg
Camp Hill
Marietta
Lancaster
20 0 20 40 Miles

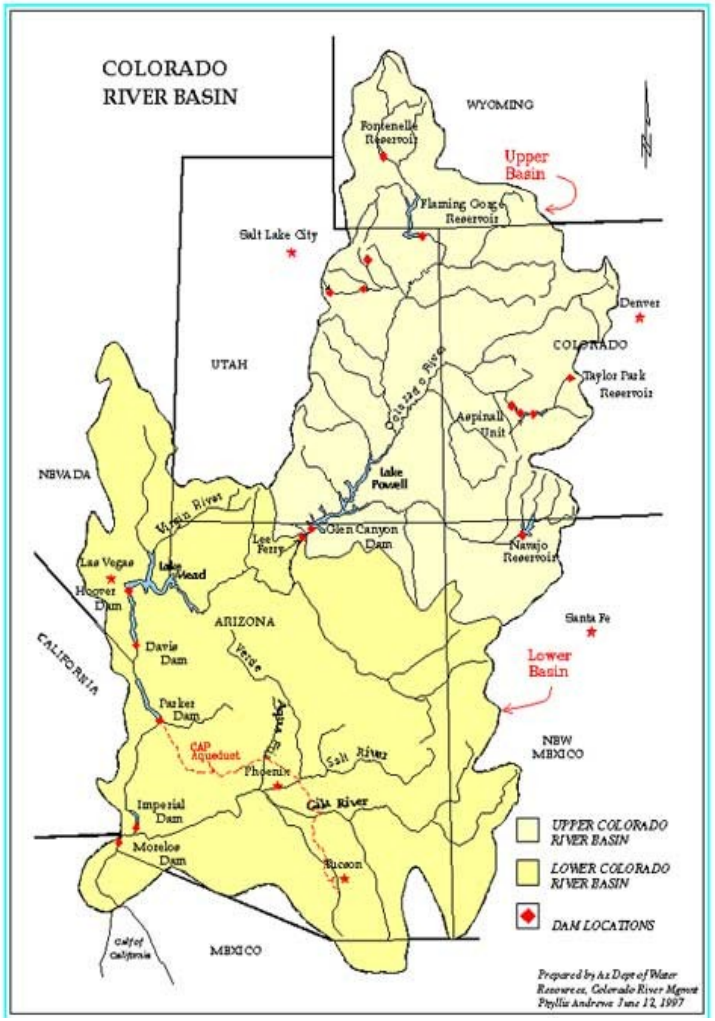
Delaware River Basin
PA
NY
NJ
MD
DE
Delaware River
Allentown
Philadelphia
DE Bay
Atlantic Ocean

Delaware River Basin Commission (Federal Interstate Commission)

- Since early 20th century droughts states used courts – dev. Equity principle but…
- Began to realize that courts too inflexible
- DRBC formed in 1960s
- Created capacity for information – technical analysts
- Cooperation grows – agreements signed in 1980s among states
- Power to block proposals not consistent with regional plans
- Multi purpose mandate
- Rely on State political leaders not bureaucracy to guide
- Balance of state autonomy and Federal supremacy
  - (delegation of power issues –
  - Federal can be subject to majori

Single Federal Admi
Colorado and DOI

- Law of the River – basic alloca
  statues-interstate compacts -
  decisions-treaties-operating r
  -administrative decisions
- Based on AAF that is too high
  22k vs, 18.5k mcm
- 7 States tried to use interstat
  compacts but lacks trusted t
  information source/staff
- Also international river - Indian rights
- No agreement among all – Upper and lower
  lower is essentially Federalized

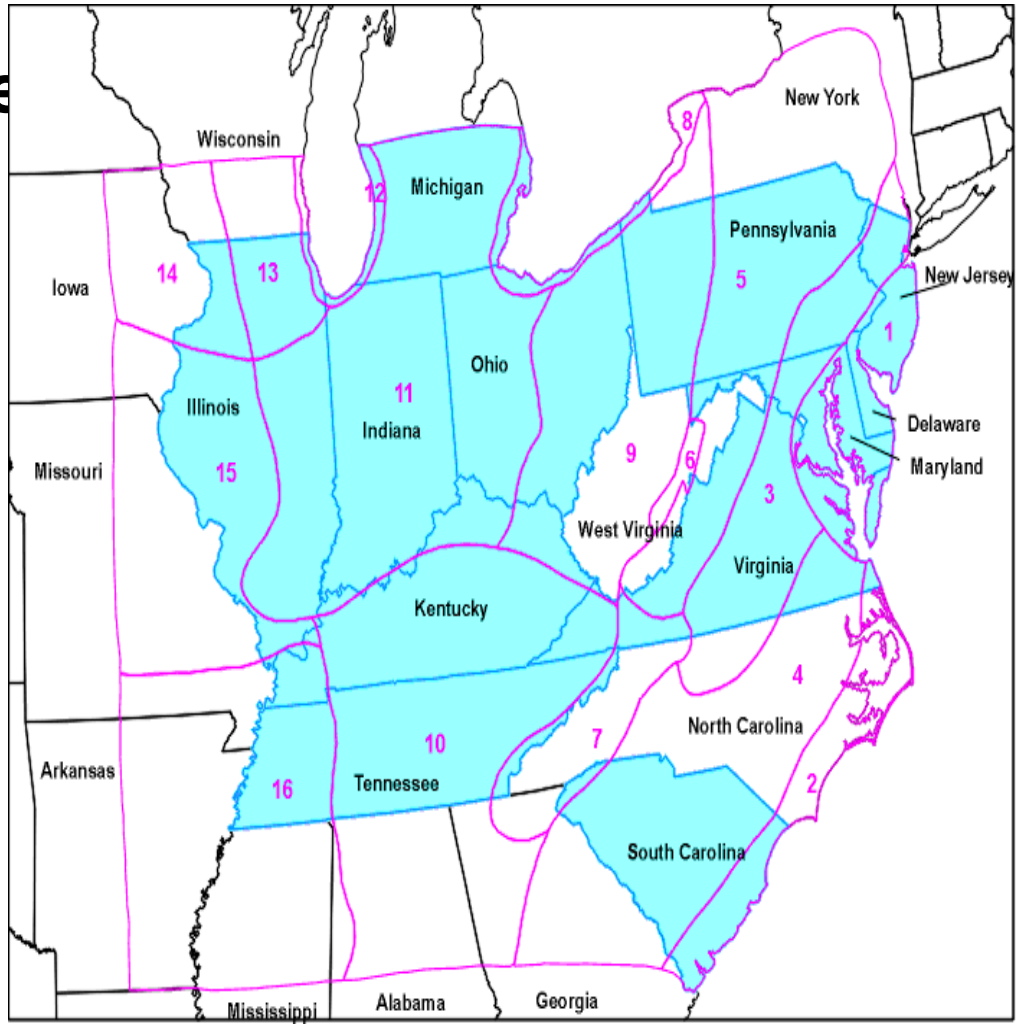


Colorado and DOI - Lessons

- **Law of river not flexible – no RBO means higher transaction costs**
- **Data is critical allocation base too high no trusted technical expertise**
- **Water rights difficult so makes markets and trading hard**
- **Issue of “surpluses” will not go away – the need for consensus will not go away**
- **New rules for transfers needed**

Ohio River Valley Sanitation Commission

- 3rd largest river before joining Mississippi
- 14 States
- Several major cities
- Navigation, Hydropower
- 20 locks and dams 44 hydropower facilities



History

1936 Congress directs an interstate compact pollution

1948 Ratification among eight states

- **Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, West Virginia**

Long time to get upstream to ratify because of powers of the agreement Created - Ohio River Valley Sanitation Commission

Authorities

Water Quality

Waste water discharge

Water quality assessments

Waste water discharge standard setting + enforcement

- **1950s setting standards**

Toxic substance control

Spill response

- **high public footprint**